

Environmental Protection Agency (EPA) FY2012 Appropriations

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Summary

Enacted December 23, 2011, the Consolidated Appropriations Act, 2012 (P.L. 112-74, H.R. 2055), finalized appropriations for FY2012 for those agencies typically funded under nine of the 12 regular appropriations bills. Not including a 0.16% across-the-board rescission, Title II of Division E under P.L. 112-74 provided \$8.46 billion for the Environmental Protection Agency (EPA) for FY2012. The total was an increase above the \$7.15 billion proposed by the House Appropriations Committee (H.R. 2584 as reported), but less than the \$8.62 billion proposed in a draft released by the bipartisan leadership of the Senate Appropriations Subcommittee and the \$8.97 billion included in the President's FY2012 budget request. The EPA FY2012 appropriations were \$219.1 million (2.6%) less than the FY2011 enacted appropriations of \$8.68 billion. Prior to the enactment of P.L. 112-74, EPA and agencies included in the Interior, Environment, and Related Agencies appropriations bill had been funded sequentially under a series of FY2012 continuing resolutions.

In addition to FY2012 appropriations for the various EPA programs and activities, P.L. 112-74 included directive provisions regarding certain EPA authorities and program activities, including some that restricted the use of appropriated funds for implementing or proceeding with several recent and pending EPA regulatory actions. Division E, Title IV "General Provisions" P.L. 112-74, included provisions specifying requirements and restrictions for the use of appropriations for certain air Clean Air Act regulatory actions and greenhouse gas emission reporting requirements (see sections 425, 426, 427 and 432), and certain Clean Water Act permitting requirements associated with silvicultural activities (section 429). Additionally, the Conference Report H.Rept. 112-331 included extensive language with regard to specific actions by EPA. For example, under the Science and Technology account in H.Rept. 112-331 (p. 1072), the Conferees required specific refinements and modifications to EPA's policies and practices for conducting assessments under the agency's Integrated Risk Information System (IRIS).

EPA regulatory actions received considerable attention during House and Senate oversight committee hearings, appropriations committee hearings, and House floor debate on the FY2012 appropriations during the first session of the 112th Congress. Several of the provisions included in P.L. 112-74 were the same or similar to a subset of more than 25 provisions included in H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (H.Rept. 112-151), as reported on July 19, 2011, and additional proposed provisions regarding EPA among roughly 150 amendments considered or submitted during floor debate of H.R. 2584, which was suspended on July 28, 2011. These proposed directives cut across many of the various environmental pollution control statutes' programs and initiatives. An October 14, 2011, draft released by the bipartisan leadership of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies did not include comparable general provisions that would restrict or preclude the use of appropriations for certain EPA actions.

This report summarizes funding levels for EPA accounts and certain sub-account program activities as enacted in P.L. 112-74, and as proposed in H.R. 2584 as reported by the House Appropriations Committee, in the Senate subcommittee draft, and in the President's FY2012 request, compared to the FY2011 enacted appropriations. Selected provisions regarding EPA program activities extracted from P.L. 112-74, the conference report, and the House committee-reported bill are also presented. Only those provisions affecting EPA that are clearly identifiable by specific language or references contained in the bill are included. Amendments that were considered or pending during initial House floor debate at the end of July 2011 are not included.

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Introduction

The Environmental Protection Agency (EPA) was established in 1970 to consolidate federal pollution control responsibilities that had been divided among several federal agencies. EPA's responsibilities grew significantly as Congress enacted an increasing number of environmental laws as well as major amendments to these statutes. Among the agency's primary responsibilities are the regulation of air quality, water quality, pesticides, and toxic substances; the management and disposal of solid and hazardous wastes; and the cleanup of environmental contamination. EPA also awards grants to assist states and local governments in complying with federal requirements to control pollution, to assist those states with the delegated authority to administer certain federal pollution control programs, and for research and other activities supporting the agency's mission. Since FY2006, Congress has funded EPA programs and activities within the Interior, Environment, and Related Agencies appropriations bill.¹

No regular appropriations bill was enacted before October 1, 2011, the start of FY2012, for the Interior, Environment, and Related Agencies or the other 11 regular appropriations bills. Prior to the enactment of the Consolidated Appropriations Act, 2012 (P.L. 112-74, H.R. 2055), on December 23, 2011, EPA and other departments and agencies funded within the Interior, Environment, and Related Agencies Appropriations bill were operating under a series of continuing resolutions sequentially extending FY2012 funding.² From July 25, 2011, to July 28, 2011, the House considered H.R. 2584 as reported July 19, 2011, by the House Appropriations Committee, recommending FY2012 appropriations for Interior, Environment, and Related Agencies, but the House floor debate was suspended. No bill to fund Interior, Environment, and Related Agencies for FY2012 was formally introduced in the Senate. However, on October 14, 2011, the bipartisan leadership of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft bill for FY2012 to serve as a starting point of discussions for markup.³

¹ During the 109th Congress, EPA's funding was moved from the jurisdiction of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies to the Interior, Environment, and Related Agencies Appropriations Subcommittees beginning with the FY2006 appropriations. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies.

² As with other federal agencies funded under the 12 appropriations bills, at the onset of FY2012 EPA had operated under continuing resolutions P.L. 112-33 and P.L. 112-36 sequentially extending funding from October 1, 2011, through November 18, 2011. In addition to providing final FY2012 appropriations for three of the regular appropriations bills, the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55), enacted November 18, 2011, included a provision continuing appropriations for those federal agencies (including EPA) funded under the remaining nine appropriations bills through December 16, 2011. Two subsequent short-term continuing resolutions were enacted just prior to enactment of the FY2012 Consolidated Appropriations Act: P.L. 112-67 extended funding for one day through December 17, 2011, to allow for the Senate to consider and adopt the conference report; P.L. 112-68 extended funding through December 23, 2011, to give Congress time to prepare the FY2012 Consolidated Appropriations Act for the President's consideration. See CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter.

³ The Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies draft bill for FY2012 and accompanying tables are available on the subcommittee website at <http://www.appropriations.senate.gov/sc-interior.cfm>.

Title II under Division E of P.L. 112-74 (H.Rept. 112-331) provided \$8.46 billion for EPA for FY2012, not including a 0.16% across-the-board rescission.⁴ The total FY2012 appropriations for EPA was an 18.3% increase above the \$7.15 billion proposed for FY2012 for EPA by the House Appropriations Committee in H.R. 2584 (H.Rept. 112-151) as reported, but 1.8% less than the \$8.62 billion proposed in the October 14, 2011, Senate subcommittee draft. The enacted EPA FY2012 appropriation was \$219.1 million (2.6%) less than the FY2011 enacted appropriations of \$8.68 billion, and \$510.0 million (5.7%) below the \$8.97 billion included in the President's FY2012 budget request.

In addition to funding priorities among the various EPA programs and activities, several recent and pending EPA regulatory actions⁵ were central to the debate on the FY2012 appropriations. These EPA regulatory actions, which were also the focus of considerable attention during deliberations on EPA's FY2011 appropriations,⁶ cut across the various environmental pollution control statutes' programs and initiatives. Some Members expressed concerns related to these actions during hearings and markup of EPA's FY2012 appropriations, and authorizing committees have been addressing EPA regulatory actions through hearings and legislation.

P.L. 112-74 included several administrative and general provisions affecting EPA actions and authorities (see "Selected Provisions Regarding EPA Actions" later in this report), but not nearly as many as the more than 25 provisions proposed in the Interior, Environment, and Related Agencies Appropriations bill, H.R. 2584 (H.Rept. 112-151) as reported by the House Appropriations Committee. Several additional proposals to address EPA actions were also among the roughly 150 amendments considered and pending prior to suspension of House floor debate of H.R. 2584 on July 28, 2011.⁷ The Senate subcommittee draft did not include general provisions similar to the House committee-reported bill that would restrict or preclude EPA from using appropriated funds for implementing or proceeding with a number of regulatory actions.

In response to congressional interest in several of the provisions affecting EPA program activities included in P.L. 112-74 and proposed in H.R. 2584 as reported by the House Appropriations Committee, this report highlights a number of these provisions. The information regarding the provisions presented throughout this report is primarily an extraction of language contained in P.L. 112-74 and proposed in H.R. 2584 for purposes of reference, and is not intended to provide a comprehensive analysis of all provisions related directly or indirectly to EPA programs. As all the terms and activities contained within the provisions were not always explicitly defined, the scope of the effects of many of the provisions is subject to interpretation, and therefore neither definitions nor potential impacts are inferred in this report. Only those provisions affecting EPA programs that are clearly identifiable by specific language or references are included in this report. This report also provides a brief summary of funding levels for EPA accounts and certain program activities enacted and proposed for FY2012, and enacted for FY2011.

⁴ Title IV, Division E of P.L. 112-74, Section 436(a): "Across-the-board Rescissions - There is hereby rescinded an amount equal to 0.16 percent of the budget authority provided for fiscal year 2012 for any discretionary appropriation in titles I through IV of this Act."

⁵ See CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, for a discussion of selected EPA regulatory actions.

⁶ For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 enacted, FY2011 requested, and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

⁷ House *Congressional Record* H5688-5693, July 28, 2011. The House considered H.R. 2584 from July 25, 2011, to July 28, 2011, but did not complete debate on the bill.

The following section of this report provides an overview of enacted appropriations for FY2012 as compared to amounts proposed in H.R. 2584 as reported, the Senate subcommittee draft, the President's FY2012 request, and the enacted amounts for FY2011 in P.L. 112-10. For purposes of historical comparison, **Table A-1** in the **Appendix** of this report shows EPA enacted appropriations by account for FY2008 through FY2012. The overview of funding levels is followed by highlights of provisions included in P.L. 112-74 and a series of tables that present a comparison of a compilation of excerpts of selected provisions in P.L. 112-74 with those proposed in H.R. 2584 as reported. These provisions are for selected EPA programs and activities that received prominent attention during deliberations on the FY2012 appropriations. Amendments that were agreed to or failed during House floor debate of H.R. 2584, as well as submitted amendments pending action, are not included in the tables, as the House floor debate of H.R. 2584 was suspended and not completed.

Comparison of EPA FY2012 Enacted and Proposed Appropriations⁸

Concerns regarding EPA's FY2012 funding generally focused on federal financial assistance for wastewater and drinking water infrastructure projects,⁹ grants to assist states in implementing air pollution control requirements, climate change research and related activities, and environmental cleanup of Superfund sites. There also was interest in funding for geographic-specific water quality initiatives, particularly the Great Lakes Restoration Initiative, and efforts to restore the Chesapeake Bay and Puget Sound.¹⁰

Since FY1996, EPA's funding has been requested by the Administration and appropriated by Congress under eight statutory accounts. **Table 1** presents the FY2012 enacted amounts for EPA compared to the amounts proposed by the House Appropriations Committee in H.R. 2584 as reported, the Senate subcommittee draft released October 14, 2011, the President's FY2012 budget request, and the FY2011 enacted appropriations for the eight accounts that fund the agency.¹¹ The table includes a brief description of the programs and activities funded within each of the EPA accounts. Note that the former name of the "Oil Spill Response" account was changed by the conferees as proposed in the President's FY2012 request to "Inland Oil Spill Program." This modification was intended to more clearly reflect the agency's jurisdiction for oil spill response in the inland coastal zone.¹²

The FY2012 enacted appropriations reflect a decrease from the FY2011 enacted levels and the President's FY2012 request for each of the eight EPA accounts once the 0.16% across-the-board rescission is applied. With the exception of increases for the Hazardous Substance Superfund, the

⁸ For a more detailed overview of EPA's FY2012 appropriations and related key issues, see relevant discussion in CRS Report R41896, *Interior, Environment, and Related Agencies: FY2012 Appropriations*, coordinated by Carol Hardy Vincent. For a more detailed analysis of EPA's FY2011 appropriations, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by Robert Esworthy et al.

⁹ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland.

¹⁰ For a more detailed discussion regarding selected EPA FY2012 funding issues, see CRS Report R41896, *Interior, Environment, and Related Agencies: FY2012 Appropriations*, coordinated by Carol Hardy Vincent.

¹¹ See **Table A-1** in the **Appendix** of this report for a comparison of the EPA appropriations by account for FY2008 through FY2012 enacted.

¹² Authorized by the Oil Pollution Act of 1990, the U.S. Coast Guard has jurisdiction over oil spills in the coastal zone of the United States.

Leaking Underground Storage Tank Trust Fund, and the Buildings and Facilities accounts, the FY2012 appropriations were below the levels for each of the remaining accounts as recommended in the Title II of the Senate subcommittee draft. Accounting for the across-the-board rescission, FY2012 enacted appropriations for all of the accounts were above the levels proposed in the House Appropriations Committee-reported bill (H.R. 2584),¹³ with the largest difference (38.6%) being the State and Tribal Assistance Grants (STAG) account. The House Committee had proposed roughly a 55% reduction below FY2011 enacted appropriations (to the FY2008 level) for grants to aid states to capitalize their Clean Water State Revolving Funds (SRFs). The Drinking Water SRF would also have been reduced to the FY2008 level, although the magnitude of the decreases below the FY2011 enacted and FY2012 requested levels would have been smaller than the decreases for the Clean Water SRF.

There was variability among the FY2012 enacted amounts for program activities below the account level, compared to the FY2012 proposals and the FY2011 enacted amounts. In those cases where FY2012 enacted amounts were the same as proposed for FY2012 and FY2011 enacted, the FY2012 enacted levels would be a decrease once the 0.16% across-the-board rescission is taken into account. The tables contained in the conference report (H.Rept. 112-331) provide a comparison of the FY2012 appropriations for certain individual programs and activities funded within each of the eight appropriations accounts with the FY2012 President's request and FY2011 levels. However, a comparison with FY2011 enacted is not possible across all program activities. The conferees accepted the reorganization of the budget presentation of certain program areas below the appropriations account level for FY2012 as proposed by the President,¹⁴ including consolidation and modifications of line items, making the FY2011 enacted funding levels not comparable to the reorganized activities. The table included in H.Rept. 112-151 (pp. 192-200) accompanying H.R. 2584 and those accompanying the Senate subcommittee draft¹⁵ reflect the reorganization, allowing for comparisons at the sub-account level.

The \$23.0 million transfer from the Hazardous Substance Superfund account to the Science and Technology (S&T) account included in P.L. 112-74 for FY2012 was the same as proposed for FY2012 in both the House and Senate versions and as requested, but is \$3.8 million less than the \$26.8 million transferred in FY2011. The FY2012 transfer of \$10.0 million from the Superfund account to the Environmental Programs and Management (EPM) account was the same as proposed for FY2012 and enacted for FY2011. These transfer comparisons would reflect a decrease once the 0.16% across-the-board rescission is included for the FY2012 enacted amounts.

In addition to the funding amounts presented by account in the table below, the "Administrative Provisions" for EPA in Title II of Division E under P.L. 112-74, included a rescission of \$50.0 million from unobligated balances funded through the Hazardous Substance Superfund (\$5.0 million) and STAG (\$45.0 million) accounts. Within the STAG account, the distribution of the rescission was specified in the provision as \$20.0 million from categorical grants, \$10.0 million from the Clean Water SRF, and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and Mexico Border grants.

¹³ Many of the federal departments and agencies included in H.R. 2584, as reported by the House Appropriations Committee, generally would have been funded at levels below the FY2010 and FY2011 enacted appropriations, as well as the President's FY2012 request.

¹⁴ U.S. EPA, *Fiscal Year FY2012 Justification of Appropriation Estimates for the Committee on Appropriations: Science and Technology*, http://www.epa.gov/planandbudget/FY_2012_CJ_VV_rev.pdf, PDF pp. 74-248.

¹⁵ For a comparison of EPA funding levels for programs and activities at the sub-account level, see the table included in the conference report H.Rept. 112-331, H.Rept. 112-151 (pp. 192-200) accompanying H.R. 2584 as reported, and those accompanying the Senate subcommittee draft available at <http://www.appropriations.senate.gov/sc-interior.cfm>.

H.R. 2584 as reported had proposed a rescission of \$140.0 million, and the Senate subcommittee draft proposed a smaller rescission of \$34.0 million from unobligated balances funded through the Superfund and STAG accounts, but the distribution of the rescissions was not specified. The FY2012 request proposed a \$50.0 million rescission of prior years' unobligated balances, but did not specify from which account. Similar rescissions of unobligated balances have been included in EPA appropriations since FY2006. For FY2011, Section 1740 in Title VII of Division B in P.L. 112-10 included a rescission of \$140.0 million from unobligated balances available within the STAG account only; for FY2010, P.L. 111-88 included a \$40.0 million rescission of unobligated balances available from the STAG and the Hazardous Substance Superfund accounts.

An additional EPA administrative provision in the FY2012 enacted appropriations authorized the Administrator to transfer up to \$300.0 million of the funds appropriated for the Great Lakes Restoration Initiative (GLRI) within the EPM account to other federal departments or agencies to carry out projects supporting the GLRI and the Great Lakes Water Agreement programs, projects, or activities. Not including the 0.16% across-the-board rescission, the FY2012 enacted amount was generally the same as FY2011 enacted and the proposed amount for FY2012 in the Senate draft, more than the \$250.0 million proposed in the House committee-reported H.R. 2584, but less than the \$350.0 million included in the FY2012 request.

Table I. EPA Appropriations by Account: FY2012 Enacted, FY2012 Proposed (H.R. 2584 and Senate Subcommittee Draft), FY2012 President's Budget Request, and FY2011 Enacted

(dollars in millions)

Eight EPA Accounts/Program Purpose	FY2011 P.L. 112- 10 Div. B Title VII	FY2012 President's Request	FY2012 House Committee- Reported H.R. 2584 Title II	FY2012 Senate Subcommittee Draft Title II	FY2012 Div. E Title II P.L. 112-74
Science and Technology (S&T) generally incorporates elements of the former Research and Development account that was in place until FY1996. Congress appropriates funds directly to EPA's S&T account and transfers additional funds from the Hazardous Substance Superfund account specifically to support Superfund program research. The account funds the development of the scientific knowledge and tools necessary to inform EPA's formulation of pollution control regulations, standards, and agency guidance.					
Base Prior to Transfers from Hazardous Substance Superfund Account	\$813.5	\$825.6	\$754.6	\$809.1	\$795.0
—Transfer from Hazardous Substance Superfund	+\$26.8	+\$23.0	+\$23.0	+\$23.0	+\$23.0
Environmental Programs and Management (EPM) funds a range of activities involved in EPA's development of pollution control regulations and standards, and enforcement of requirements across multiple environmental media, such as air and water quality	\$2,756.5	\$2,876.6	\$2,498.4	\$2,734.8	\$2,682.5

Eight EPA Accounts/Program Purpose	FY2011 P.L. 112- 10 Div. B Title VII	FY2012 President's Request	FY2012 House Committee- Reported H.R. 2584 Title II	FY2012 Senate Subcommittee Draft Title II	FY2012 Div. E Title II P.L. 112-74
<i>Geographic Programs—EPM account includes funding for geographic/ecosystem programs to address certain environmental and human health risks in a number of identified areas of the United States, which often involve collaboration among EPA, state and local governments, communities, and nonprofit organizations.</i>	\$416.0	\$463.0	\$346.3	\$403.7	\$410.4
—Great Lakes Restoration Initiative	\$299.4	\$350.0	\$250.0	\$300.0	\$300.0
—Chesapeake Bay Program	\$54.4	\$67.4	\$50.0	\$60.4	\$57.4
—Puget Sound	\$38.1	\$19.3	\$30.0	\$20.3	\$30.0
Office of Inspector General (OIG) is provided appropriations directly and Congress appropriates additional funds as transfers from the Hazardous Substance Superfund account to the OIG account specifically to support the office's oversight of the Superfund program. Federal agency OIGs established under Inspector General Act of 1978 to conduct independent auditing, evaluation, and investigation to identify management and administrative deficiencies.					
Base Prior to Transfers from Hazardous Substance Superfund Account	\$44.7	\$46.0	\$41.1	\$46.0	\$42.0
—Transfer from Hazardous Substance Superfund	+\$10.0	+\$10.0	+\$10.0	+\$10.0	+\$10.0
Building and Facilities funds the construction, repair, improvement, extension, alteration, and purchase of fixed equipment and facilities owned or used by EPA.	\$36.4	\$42.0	\$36.4	\$32.0	\$36.4
Hazardous Substance Superfund is funded by discretionary appropriations from a dedicated trust fund of the same name, the Hazardous Substance Superfund Trust Fund. The Superfund program was established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended to clean up the nation's most threatening sites and created the Superfund Trust Fund to finance the program.					
Total Prior to Transfers to Other EPA Accounts	\$1,280.9	\$1,236.2	\$1,224.3	\$1,191.4	\$1,215.8
—Transfer out to Office of Inspector General	-\$10.0	-\$10.0	-\$10.0	-\$10.0	-\$10.0
—Transfer out to Science and Technology	-\$26.8	-\$23.0	-\$23.0	-\$23.0	-\$23.0

Eight EPA Accounts/Program Purpose	FY2011 P.L. 112- 10 Div. B Title VII	FY2012 President's Request	FY2012 House Committee- Reported H.R. 2584 Title II	FY2012 Senate Subcommittee Draft Title II	FY2012 Div. E Title II P.L. 112-74
Leaking Underground Storage Tank (LUST) Trust Fund Program: Like the Superfund account, this account is funded by discretionary appropriations from a dedicated trust fund of the same name, the LUST Trust Fund. The Superfund Amendments and Reauthorization Act of 1986 established this trust fund to address releases of petroleum for underground tanks not covered under the Superfund program.	\$112.9	\$112.5	\$105.7	\$99.8	\$104.3
Inland Oil Spill Program (formerly Oil Spill Response) funds EPA's activities to prepare for and prevent releases of oil into the inland zone of the United States within the agency's jurisdiction. Authorized by the Oil Pollution Act of 1990, the U.S. Coast Guard has jurisdiction over oil spills in the coastal zone of the United States.	\$18.3	\$23.7	\$18.3	\$19.3	\$18.3
State and Tribal Assistance Grants (STAG): Majority of funding within the STAG account is for capitalization grants for the Clean Water and Drinking Water State Revolving Funds (SRFs). The remainder of the account funds other water infrastructure grants, and categorical grants to states and tribes for numerous pollution control activities under the various statutes.	\$3,758.9	\$3,860.4	\$2,610.4	\$3,722.1	\$3,618.7
—Clean Water State Revolving Fund	\$1,522.0	\$1,550.0	\$689.0	\$1,522.0	\$1,468.8
—Drinking Water State Revolving Fund	\$963.1	\$990.0	\$829.0	\$963.1	\$919.4
—Mexican Border	\$10.0	\$10.0	\$0.0	\$10.0	\$5.0
—Alaska Native Villages	\$10.0	\$10.0	\$0.0	\$10.0	\$10.0
—Special (Congressional) Infrastructure Grants	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
—Brownfields Section 104(k) Grants	\$99.8	\$99.0	\$60.0	\$95.0	\$95.0
—Diesel Emission Reduction Grants	\$49.9	\$0.0	\$30.0	\$30.0	\$30.0
—Targeted Airshed Grants	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
—Categorical Grants	\$1,104.2	\$1,201.4	\$1,002.4	\$1,092.1	\$1,090.6
Climate Change Grants to Local Governments	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

Eight EPA Accounts/Program Purpose	FY2011 P.L. 112- 10 Div. B Title VII	FY2012 President's Request	FY2012 House Committee- Reported H.R. 2584 Title II	FY2012 Senate Subcommittee Draft Title II	FY2012 Div. E Title II P.L. 112-74
Rescissions	-\$140.0 (unobligated balances from the STAG account)	-\$50.0 (prior fiscal years' unobligated balances)	-\$140.0 (unobligated balances from the STAG and the Hazardous Substance Superfund accounts)	-\$34.0 (unobligated balances from the STAG and the Hazardous Substance Superfund accounts)	-\$50.0 (unobligated balances: \$5.0 from the Hazardous Substance Superfund account; and in the STAG account, \$5.0 each from the, Brownfields, Mexico Border, and Diesel Emission Reduction Grants, \$20.0 from the Categorical Grants, and \$10.0 from the Clean Water SRF)
Total	\$8,682.1	\$8,973.0	\$7,149.2	\$8,620.4	\$8,463.0

Source: Prepared by CRS. FY2012 and FY2011 enacted amounts, and the President's FY2012 request, presented in the table are based on the Consolidated Appropriations Act, FY2012, P.L. 112-74, and the conference report (H.Rept. 112-331). FY2012 enacted amounts are as presented in P.L. 112-74 and the conference report, which do not reflect the 0.16% across-the-board rescission required in Section 436 of P.L. 112-74. EPA is directed to apply this rescission to the amounts specified in the law. The House Committee-reported and Senate draft proposals are based on the FY2012 Interior, Environment, and Related Agencies appropriations bill (H.R. 2584) as reported by the House Appropriations Committee July 19, 2011, and the accompanying report (H.Rept. 112-151), and the Senate Draft and accompanying table released October 14, 2011, by the Chairman and Ranking Member of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, <http://www.appropriations.senate.gov/sc-interior.cfm>. FY2011 enacted amounts include the 0.2% across-the-board rescission. Totals may differ from the sum of the components due to rounding.

Selected Provisions Regarding EPA Actions

During the past two years, EPA has proposed and promulgated numerous regulations implementing provisions of many of the federal pollution control statutes enacted by Congress. During the first session of the 112th Congress, many stakeholders and some Members expressed concerns that the agency was reaching beyond the authority given it by Congress and ignoring or underestimating the costs and economic impacts of proposed and promulgated rules. EPA and others countered that these actions were consistent with statutory mandates and in some cases compelled by court ruling, the pace in many ways is slower than a decade ago, and that cost and benefits are appropriately evaluated.¹⁶

¹⁶ CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia

Recently promulgated and pending actions under the Clean Air Act, in particular EPA controls on emissions of greenhouse gases and efforts to address conventional pollutants (e.g., mercury, particulate matter, sulfur dioxide) from a number of industries, received much of the attention. Several actions under the Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act (RCRA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Toxics Substances Control Act (TSCA), also received some attention. A number of these issues were the focus of considerable debate which resulted in provisions in the enacted and House Appropriations Committee-proposed versions of the FY2012 Interior, Environment, and Related Agencies Appropriations bill.

P.L. 112-74 included several administrative and general provisions affecting EPA actions and authorities (see tables that follow), but not nearly as many as those proposed in the Interior, Environment, and Related Agencies Appropriations bill, H.R. 2584 (H.Rept. 112-151) as reported by the House Appropriations Committee on July 19, 2011, and among amendments considered and submitted prior to suspension of the House floor debate on July 28, 2011. Most of the administrative provisions in the FY2012 enacted appropriations were similar to those proposed in H.R. 2584 as reported and the Senate draft for FY2012, and the general provisions were similar to or a slightly revised subset of those contained in House committee-reported bill. Comparable general provisions were not proposed in the Senate draft.

In addition to the rescission of unobligated balances and transfer of funds for the Great Lakes Restoration Initiative discussed in the previous section (“Comparison of EPA FY2012 Enacted and Proposed Appropriations”) and presented in Table 1 above, three other provisions were included in the EPA Administrative Provisions setting terms and conditions for the use of FY2012 appropriations, under Title II of Division E in P.L. 112-74. These administrative provisions were similar to those included in both House committee-reported H.R. 2584 and the Senate subcommittee draft. One additional provision authorized EPA to transfer up to \$10.0 million from any of its eight accounts to fund emergency response actions for oil spills in addition to amounts available in the Inland Oil Spill Program account if the Administrator determines that the account will be exhausted within 30 days. The funds transferred from other accounts would be reimbursed by payments administered by the U.S. Coast Guard from the Oil Spill Liability Trust Fund. This provision was similar to an administrative provision included in the Senate draft that allowed for the transfer of funds under these circumstances, but without placing a dollar limit on the amount of the transfer. H.R. 2584 as reported did not include such a transfer provision.

Division E, Title IV “General Provisions” in P.L. 112-74, included provisions specifying requirements and restrictions for the use of appropriations for certain air quality regulatory actions and greenhouse gas emission reporting requirements, and certain Clean Water Act permitting requirements associated with silvicultural activities:

- Section 425 of Division E of the FY2012 appropriations law required the President to submit a comprehensive report to the House and Senate Appropriations Committees detailing all federal (including EPA) obligations and expenditures, domestic and international, for climate change programs and activities by agency for FY2011.

Copeland, examines major or controversial regulatory actions taken by or under development at EPA since January 2009, providing details on the regulatory action itself, presenting an estimated timeline for completion of the rule (including identification of related court or statutory deadlines where known), and, in general, providing EPA’s estimates of costs and benefits when available. The report also discusses factors that affect the timeframe in which regulations take effect.

- Section 426 prohibited the use of appropriations for promulgation or implementation of regulation requiring permits under Title V of the Clean Air Act for certain pollutants resulting from biological processes associated with livestock production, and
- Section 427 prohibited use of appropriations for implementing any provisions in a rule that requires mandatory reporting of greenhouse gas emissions from “manure management systems.”
- Section 432 of the FY2012 law amended Section 328 of the Clean Air Act, effectively transferring authority to regulate air emissions from EPA to Department of the Interior (DOI) in the Outer Continental Shelf off Alaska’s north coast.¹⁷
- Section 429 in P.L. 112-74 prohibited EPA from requiring a permit under Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342; commonly referred to as the Clean Water Act), and further, prohibited the EPA administrator “...from directly or indirectly requiring any state to require a permit for discharges of stormwater runoff from roads, the construction of, use, or maintenance of which is associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.”

Each of the general provisions included in the FY2012 appropriations summarized above is similar to provisions proposed for FY2012 in the House Appropriations Committee-reported bill H.R. 2584 as noted in the tables which follow. Section 425 in the enacted FY2012 appropriations was also similar to a reporting requirement for FY2009 and FY2010 contained in Section 426 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88). A similar recurring reporting requirement had been in existence for nearly a decade through FY2007, under provisions in the annual appropriations bills for Foreign Operations. Section 426 and Section 427 of P.L. 112-74 are the same as Section 424 and Section 425 of P.L. 111-88 for FY2010, and retained in the FY2011 Full-Year Continuing Appropriations law (P.L. 112-10).

Additionally, in lieu of certain provisions proposed for FY2012 in the House Appropriations Committee-reported bill (H.R. 2584), the FY2012 appropriations conference report, H.Rept. 112-331, included extensive language with regard to specific actions by EPA. For example, under the Science and Technology account in H.Rept. 112-331 (p. 1,072), the conferees required specific refinements and modifications to EPA’s policies and practices for conducting assessments under the agency’s Integrated Risk Information System (IRIS). This report language reflects some of the concerns that resulted in a general provision, Section 444, contained in the House committee-reported bill.

As reported, H.R. 2584 contained more than 25 provisions that would have restricted or precluded the use of FY2012 funds by EPA for implementing or proceeding with a number of regulatory actions.¹⁸ These provisions included more than 20 provisions proposed by the

¹⁷ For a more detailed overview of this permitting provision see CRS Report R42123, *Controlling Air Emissions from Outer Continental Shelf Sources: A Comparison of Two Programs—EPA and DOI*, by Jonathan L. Ramseur.

¹⁸ The House-reported bill also included numerous funding modifications and restrictions for many accounts across the other various departments and agencies funded within the Interior, Environment, and Related Agencies Appropriations bill.

subcommittee,¹⁹ and eight amendments added during full committee markup.²⁰ The more controversial provisions regarding several EPA programs and regulations were contained in the “General Provisions” in Title IV of H.R. 2584. Further, Title V of the House Appropriations Committee-reported bill H.R. 2584, the Reducing Regulatory Burdens Act of 2011, included amendments to the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in response to EPA’s consideration of requiring permits under the Clean Water Act for point source discharges of pesticides in or near U.S. waters.²¹

From July 25, 2011, to July 28, 2011, the House considered H.R. 2584 but did not complete debate on the bill. Concerns regarding these EPA actions continued to be raised during House floor debate and were among roughly 150 amendments considered and submitted prior to suspension of floor debate on July 28, 2011.²²

The provisions and amendments central to the House debate would have impacted ongoing and anticipated EPA activities, including those addressing greenhouse gas emissions, hazardous air pollutants, particulate matter emissions, permitting of new source air emissions, water quality impacts of mountaintop mining operations, management of coal ash, lead-based paint removal, environmental impacts associated with livestock operations, financial responsibility with respect to Superfund cleanup, and stormwater discharge.²³

Table 2 through **Table 8**, which follow, highlight directive provisions included in P.L. 112-74 and proposed in H.R. 2584 as reported, including those that would restrict or preclude EPA from using appropriations for implementing or proceeding with a number of regulatory actions. Comparable provisions were not proposed in the Senate subcommittee draft. The provisions presented in the following tables are categorized in this report by general program areas, that is, air quality and climate change, water quality, and waste management. Related provisions that are under the jurisdiction of agencies other than EPA, but may impact EPA, are listed separately in **Table 8**. The tables contain information about the provisions, including the associated sections of the bill (or relevant conference report citation with regard to EPA’s ISIS program).

H.R. 1, the FY2011 Full-Year Continuing resolution passed by the House February 19, 2011, included roughly 20 provisions that would have similarly restricted and prohibited the use of FY2011 funds to implement EPA regulatory activities.²⁴ These provisions were not included in the final FY2011 appropriations law (P.L. 112-10) enacted April 15, 2011. Those provisions contained in P.L. 112-74 and H.R. 2584 as reported that are similar or the same as provisions

¹⁹ “Subcommittee” refers to the Subcommittee on Interior, Environment, and Related Agencies.

²⁰ Amendments considered during markup that would have removed several of the administrative provisions, including many of those affecting EPA, were defeated.

²¹ Title V of H.R. 2584 is identical to text contained in H.R. 872 as passed by the House March 31, 2011; see CRS Report RL32884, *Pesticide Use and Water Quality: Are the Laws Complementary or in Conflict?*, by Claudia Copeland.

²² House *Congressional Record* H5688-5693, July 28, 2011.

²³ Although generally not enacted in the FY2011 appropriations law, more than 20 provisions that would have restricted and prohibited the use of FY2011 funds to implement a subset of these regulatory activities were included in an earlier House-passed bill (H.R. 1). For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

²⁴ For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

proposed in H.R. 1 as passed by the House February 19, 2011, are denoted in the first column of each of the following tables.

Table 2. EPA Air Quality, Climate Change, and Greenhouse Gas Emissions Program Activities Provisions

Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
H.R. 2584 as reported			P.L. 112-74	
EPA Program Activity/Program Description	Section	Bill text	Section	Text
Climate change reporting use of funds (all federal departments and agencies)	Sec. 426. Title IV REPORT ON CLIMATE CHANGE FUNDS	“Not later than 120 days after the date on which the President’s fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011 and fiscal year 2012, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President’s Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.”	Sec. 425. Title IV Div. E REPORT ON CLIMATE CHANGE FUNDS	“Not later than 120 days after the date on which the President’s fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President’s Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report”
Greenhouse gas emissions: manure mgt.	Sec. 429. Title IV GREENHOUSE GAS REPORTING RESTRICTIONS	“ Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.”	Sec. 427. Title IV Div. E. GREENHOUSE GAS REPORTING RESTRICTIONS	“Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.”

Greenhouse gas emissions: stationary sources Titles I and VI of the Clean Air Act (42 U.S.C. 7401 et seq., and 42 U.S.C. 7671 et seq.) (See Sec. 1746 of Title VII in Division B, and Sec. 4015 Division D in House-passed H.R. 1)	Sec. 431. Title IV STATIONARY SOURCE GREENHOUSE GAS PROHIBITION	“(a) During the one year period commencing on the date of enactment of this Act— (1) the Administrator of the Environmental Protection Agency shall not propose or promulgate any regulation regarding the emissions of greenhouse gases from stationary sources to address climate change, except this paragraph does not apply to— (A) regulations promulgated under title VI of the Clean Air Act (42 U.S.C. 7671 et seq.); or (B) regulations designed to limit or defer existing greenhouse gas regulation of stationary sources; (2) any Federal statutory or regulatory provision requiring a permit (or permit condition) under the Clean Air Act (42 U.S.C. 7401 et seq.) for emissions of greenhouse gases from a stationary source to address climate change shall be of no legal effect; (3) any federally enforceable permit condition for emissions of greenhouse gases from a stationary source to address climate change in a permit under the Clean Air Act (42 U.S.C. 7401 et seq.) issued prior to the date of enactment of this Act shall be of no legal effect; and (4) no cause of action based on Federal or State common law or civil tort (including nuisance) may be brought or maintained, and no liability, money damages, or injunctive relief arising from such an action may be imposed, for— (A) any potential or actual contribution of a greenhouse gas to climate change; or (B) any direct or indirect effect of potential or actual or past, present, or future increases in concentrations of a greenhouse gas. (b) Any permit for a stationary source subject to title I of the Clean Air Act (42 U.S.C. 7401 et seq.) for which an application was submitted prior to the expiration of the one year period commencing on the date of the enactment of this Act (regardless of when such permit is issued) shall not include any federally enforceable condition for greenhouse gas emissions to address climate change.”	No comparable provision
Greenhouse gas emissions: mobile source emissions Sections 202 and 209(b) of the Clean Air Act (42 U.S.C.	Sec. 453. Title IV MOBILE SOURCE EMISSION	“None of the funds made available under this Act shall be used- (1) to prepare, propose, promulgate, finalize, implement, or enforce any regulation pursuant to section 202 of the Clean Air Act (42 U.S.C. 7521) regarding the regulation of any greenhouse gas emissions from new	No comparable provision

Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
		H.R. 2584 as reported	P.L. 112-74	
EPA Program Activity/Program Description	Section	Bill text	Section	Text
7521 and 42 U.S.C. 7543(b))		motor vehicles or new motor vehicle engines that are manufactured after model year 2016 to address climate change; or (2) to consider or grant a waiver under section 209(b) of such Act (42 U.S.C. 7543(b)) so that a State or political subdivision thereof may adopt or attempt to enforce standards for the control of emissions of any greenhouse gas from new motor vehicles or new motor vehicle engines that are manufactured after model year 2016 to address climate change."		
Title V of the Clean Air Act (42 U.S.C. 7661 et seq.): livestock production	Sec. 428. Title IV PROHIBITION ON USE OF FUNDS	"Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production."	Sec. 426. Title IV Div. E PROHIBITION ON USE OF FUNDS	"Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production."

Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
		H.R. 2584 as reported	P.L. 112-74	
EPA Program Activity/Program Description	Section	Bill text	Section	Text
Flexible air permitting programs multiple source emissions Section 110 of the Clean Air Act (42 U.S.C. 7410)	Sec. 441. Title IV FLEXIBLE AIR PERMITTING PROGRAMS	<p>“The Administrator of the Environmental Protection Agency—</p> <p>(1) shall take no action (including any rulemaking or enforcement action) to disapprove or prevent implementation of any flexible air permitting program under which emissions from multiple sources may be combined for purposes of determining compliance with an emissions limitation that—</p> <p>(A) has been submitted by a State as a revision to the State implementation plan pursuant to section 110 of the Clean Air Act (42 U.S.C. 7410); and</p> <p>(B) has been adopted as part of the State implementation plan for such State prior to the date of enactment of this Act; and</p> <p>(2) shall take no enforcement action against the holder of an individual permit issued under an air permitting program described in paragraph (1) based on any disapproval of the program by the Administrator prior to the date of the enactment of this Act.”</p>		No comparable provision

Clean Air Act permits issued for Outer Continental Shelf Sources
Section 328 of the Clean Air Act (42 U.S.C. 7627)
(See Sec. 4014 Division D of House-passed H.R. 1)

Sec. 443.
Title IV
Air EMISSIONS
FROM OUTER
CONTINENTAL
SHELF
OPERATIONS

“(a) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended by inserting before the period at the end of the second sentence the following: ‘, except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area’.

(b) Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the matter following clause (iii) by striking ‘shall be considered direct emissions from the OCS source’ and inserting ‘shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at such location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons’.

(c)(1) Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end thereof the following:

(d) Permit Application- In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

‘(1) final agency action (including any reconsideration of the issuance or denial of such permit) shall be taken not later than 6 months after the date of filing such completed application;

‘(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of such permit;

‘(3) no administrative stay of the effectiveness of such permit may extend beyond the date that is 6 months after the date of filing such completed application;

‘(4) such final agency action shall be considered to be nationally applicable under section 307(b); and (d).’ ”

‘(5) judicial review of such final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.’.

(2) Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ‘For purposes of subsections (a) and (b)’ and

Sec. 432.
Title IV Div. E
Air EMISSIONS
FROM OUTER
CONTINENTAL
SHELF
OPERATIONS

(a) It is the purpose of this section to ensure that the energy policy of the United States focuses on the expeditious and orderly development of domestic energy resources in a manner that protects human health and the environment.

(b) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—(1) in the first sentence, by inserting “(other than Outer Continental Shelf sources located offshore of the North Slope Borough of the State of Alaska)” after “Outer Continental Shelf sources located offshore of the States along the Pacific, Arctic and Atlantic Coasts”; and (2) in the fourth sentence, by inserting “and this Act” after “regulations”.

(c) Section 328(b) of the Clean Air Act (42 U.S.C. 7627(b)) is amended in the first sentence—(1) by striking “Gulf Coast”; and (2) by inserting “or are adjacent to the North Slope Borough of the State of Alaska” after “Alabama”.

(d) The transfer of air quality permitting authority pursuant to this section shall not invalidate or stay—

‘(1) any air quality permit pending or existing as of the date of the enactment of this Act; or (2) any proceeding related thereto.

(e)(1) The Comptroller General of the United States shall undertake a study on the process for air quality permitting in the Outer Continental Shelf.

‘(2) The study shall consist of a comparison of air quality permitting for Outer Continental Shelf sources (as such term is defined in section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) by the Department of the Interior with such permitting by the Environmental Protection Agency, taking into account the time elapsed between

Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
		H.R. 2584 as reported	P.L. 112-74	
EPA Program Activity/Program Description	Section	Bill text	Section	Text
		inserting ‘For purposes of this subsection and subsections (b) and (d)’.”		application and permit approval, the number of applications, and the experiences and assessments of the applicants. ‘(3) In carrying out the study, the Comptroller General shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and applicants for air quality permits. ‘(4) The Comptroller General shall complete the study and submit a report on the results of the study to the Congress not later than September 30, 2014 -
Hazardous Air pollutants Portland cement manufacturing (See Sec. 4008 Division D of House-passed H.R. 1)	Sec. 448. Title IV PORTLAND CEMENT	“None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ‘National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants’ published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.).”		No comparable provision
National ambient air quality standard (NAAQS) applicable to coarse particulate matter. Section 109 of the Clean Air Act (42 U.S.C. 7409) (See Sec. 4048 Division D of House-passed H.R. 1)	Sec. 454. Title IV PARTICULATE MATTER	“None of the funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter (generally referred to as “PM10”) under section 109 of the Clean Air Act (42 U.S.C. 7409).”		No comparable provision
Regulation of ammonia under any national secondary ambient air quality standard for oxides of nitrogen and oxides of sulfur. Section 109 of the Clean Air Act (42 U.S.C. 7409)	Sec. 461. Title IV AMMONIA REGULATION FUNDING PROHIBITION	“None of the funds made available by this Act may be used to regulate ammonia or ammonium under any national secondary ambient air quality standard for oxides of nitrogen and oxides of sulfur promulgated pursuant to section 109 of the Clean Air Act (42 U.S.C. 7409).”		No comparable provision
Cumulative impact analysis of multiple	Sec. 462. Title IV	“(a) Not later than 12 months after the date of the enactment of this Act, the		No comparable provision

**Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

		H.R. 2584 as reported	P.L. 112-74
EPA Program Activity/Program Description	Section	Bill text	Section Text
EPA regulations and associated actions; primarily those under the Clean Air Act	REGULATORY IMPACT ANALYSIS	<p>Administrator of the Environmental Protection Agency (in this section referred to as the 'Administrator') shall conduct a study, and submit a report to the Congress, on the cumulative impacts of the following rules, guidelines, and actions:</p> <p>(I) The following published rules (including any successor or substantially similar rule):</p> <p>(A) 'Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone', published at 75 Fed. Reg. 45210 (August 2, 2010).</p> <p>(B) 'National Ambient Air Quality Standards for Ozone', published at 75 Fed. Reg. 2938 (January 19, 2010).</p> <p>(C) 'National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters', published at 76 Fed. Reg. 15608 (March 21, 2011).</p> <p>(D) 'National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers', published at 76 Fed. Reg. 15554 (March 21, 2011).</p> <p>(E) 'National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units', signed by Administrator Lisa P. Jackson on March 16, 2011.</p> <p>(F) 'Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities', published at 75 Fed. Reg. 35127 (June 21, 2010).</p> <p>(G) 'Primary National Ambient Air Quality Standard for Sulfur Dioxide', published at 75 Fed. Reg. 35520 (June 22, 2010).</p>	

(H) 'Primary National Ambient Air Quality Standards for Nitrogen Dioxide', published at 75 Fed. Reg. 6474 (February 9, 2010).

(2) The following additional rules or guidelines promulgated on or after January 1, 2009:

(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).

(3) Any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in 'Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).

(b) In conducting the study under subsection (a), the Administrator shall consider primary and secondary impacts on jobs, costs to ratepayers and consumers, impacts on electric reliability and resource adequacy, impacts to the global economic competitiveness of the United States, impacts on small business, any changes in the fuel mix used in the electric power sector and resulting impacts to the economies of communities and States where those fuels are produced, impacts to the public health and welfare resulting from increased electricity costs, and any other relevant costs.

(c) The Administrator shall not take final action with respect to the rule listed in subsection (a)(1)(E) (relating to national emission standards and standards of performance for certain electric generating units) until a date (to be determined by the Administrator) that is at least 6 months after

Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
		H.R. 2584 as reported	P.L. 112-74	
EPA Program Activity/Program Description	Section	Bill text	Section	Text
		<p>the day on which the Administrator submits the report required by subsection (a).</p> <p>(d) Notwithstanding the final action taken with respect to the rule listed in subsection (a)(1)(A) (relating to Federal implementation plans to reduce interstate transport of fine particulate matter and ozone) and final action (if any) taken with respect to the rule listed in subsection (a)(1)(E) prior to the date of the enactment of this Act—</p> <p>(1) such final action shall not be or become, as applicable, effective until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Administrator submits the report required by subsection (a); and</p> <p>(2) the date for compliance with any standard or requirement in either such finalized rule, and any date for further regulatory action triggered by either such finalized rule, shall be delayed by a period equal to the period—</p> <p>(A) beginning on the date of the publication of the final action for the respective finalized rule; and</p> <p>(B) ending on the date on which such final action becomes effective pursuant to paragraph (1).</p> <p>(e) Notwithstanding any other provision of law, the Administrator shall continue to implement the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator of the Environmental Protection Agency (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 71 Fed. Reg. 25328 (April 28, 2006), 72 Fed. Reg. 59190 (Oct. 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed. Reg. 56721 (Nov. 3, 2009)) until the date on which final action with respect to the rule listed in subsection (a)(1)(A) becomes effective pursuant to subsection (d)(1)."</p>		

Source: Prepared by CRS based on provisions as contained in: P.L. 112-74, the Consolidated Appropriations Act, 2012; and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 3. EPA Water Quality Program Activities Provisions

Water Quality Provisions in P.L. 112-74 and Proposed in House Committee Reported H.R. 2584				
EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
Surface coal mining Clean Water Act guidance (See Sec. 4039 Division D of House-H.R. 1)	Sec. 433. Title IV ENHANCED COORDINATION RESTRICTIONS	“None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in - (1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ‘Enhanced Surface Coal Mining Pending Permit Coordination Procedures’, dated June 11, 2009; or (2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled ‘Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order’, dated April 1, 2010.”		No comparable provision
Definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (See Sec. 1747 Title VII Division B of House-passed H.R. 1)	Sec. 435. Title IV WATERS OF THE UNITED	“None of the funds made available by this Act or any subsequent Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).”		No comparable provision

**Water Quality Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
Sec. 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312(b))	Sec. 436. Title IV THERMAL DISCHARGES	“None of the funds made available by this Act or any other Act shall be used to further develop, finalize, implement, or enforce the proposed regulatory requirements issued by the Environmental Protection Agency and published for public comment in the Federal Register on April 20, 2011 (76 Fed. Reg. 22,174); or to develop or enforce any other new regulations or requirements designed to implement section 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312 (b)).”		No comparable provision
Sec. 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l))	Sec. 438. Title IV SILVICULTURAL ACTIVITIES	“Section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)) is amended by adding at the end the following: ‘(3) SILVICULTURAL ACTIVITIES- The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.’”	Sec. 429. Title IV Div E SILVICULTURAL ACTIVITIES	“From the date of enactment of this Act until September 30, 2012, the Administrator of the Environmental Protection Agency shall not require a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.”

**Water Quality Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
Sec. 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p))	Sec. 439. Title IV STORMWATER DISCHARGE	“None of the funds made available by this Act or any other Act may be expended for the development, adoption, implementation, or enforcement of regulations or guidance that would expand the Federal stormwater discharge program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) to post-construction commercial or residential properties until 90 days after the Administrator of the Environmental Protection Agency submits to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate the study of stormwater discharges required under section 402(p)(5) of such Act (33 U.S.C. 1342(p)(5)). Such study shall include— (1) a thorough review and analysis of potential regulatory options under the stormwater program; (2) the program’s anticipated costs (including to the Environmental Protection Agency, States, and potentially regulated entities) and benefits; and (3) a numerical identification of both relative cost effectiveness among the options and the anticipated water quality enhancements that would result from each option.”		No comparable provision
Florida lakes and flowing waters (See Sec. 4035 Division D of House-passed H.R. 1)	Sec. 452. Title IV WATER QUALITY STANDARDS	“None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ‘Water Quality Standards for the State of Florida’s Lakes and Flowing Waters’ published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq.).”		No comparable provision

**Water Quality Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
Wetlands designations in emergencies	Sec. 456. Title IV WETLAND DESIGNATIONS IN EMERGENCIES	“None of the funds made available in this Act may be used to delineate new wetlands in any county included in a major disaster declaration as a result of flooding in the year 2011 for purposes of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).”		No comparable provision
Great Lakes ballast water management regulations section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341)	Sec. 459. Title IV BALLAST WATER REGULATION	“(a) Prohibition- None of the funds made available by this Act for the Environmental Protection Agency shall be provided to any State that— (1) is adjacent to one or more of the Great Lakes; and (2) has in effect a certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) or a State permit requirement that imposes on vessels that discharge ballast water into, take in ballast water from, or transit that State’s waters a performance standard for ballast water management systems, or a ballast water exchange standard, which the Commandant of the Coast Guard determines is more stringent than the following standards: (A) Coast Guard regulations that have been placed into effect after the date of enactment of this Act regarding standards for living organisms in ships’ ballast water discharged in United States waters from vessels and regarding vessel open water ballast water exchange. (B) Only to the extent that the regulations described in subparagraph (A) are not in effect, the standards for the control and management of ship’s ballast water and sediment adopted by the International Maritime Organization as of the date of enactment of this Act. (b) Definitions- In this section: (1) The term ‘Great Lakes’ has the same meaning given that term in		No comparable provision

**Water Quality Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
		<p>section 118(a) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)).</p> <p>(2) The term 'is more stringent than' means one or more of the following:</p> <p>(A) Includes a higher percentage efficiency of volumetric exchange of ballast water.</p> <p>(B) Includes a higher relative volume of pumping throughput for ballast water exchange.</p> <p>(C) Requires a greater distance from the nearest land or a greater depth of water for conducting ballast water exchange.</p> <p>(D) Includes a ballast water management performance standard that requires a lower concentration of viable organisms.</p> <p>(E) Includes a ballast water management performance standard that requires a smaller minimum dimension of viable organisms.</p> <p>(F) Includes a ballast water management performance standard that includes additional indicator microbes.</p> <p>(G) Includes an earlier deadline for meeting a ballast water management performance standard or a ballast water exchange standard.</p> <p>(H) Precludes the use of one or more ballast water treatment technologies approved through the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2).</p> <p>(I) Requires the use of one or more ballast water treatment technologies not approved by the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2)."</p>		

<p>Pesticide use permit requirements under the Clean Water Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), and pesticide use under section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) (see also Table 7)</p>	<p>Title V REDUCING REGULATORY BURDENS ACT OF 2011</p>	<p>“SEC. 501. SHORT TITLE. This title may be cited as the ‘Reducing Regulatory Burdens Act of 2011’.</p> <p>SEC. 502. USE OF AUTHORIZED PESTICIDES.</p> <p>Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:</p> <p>‘(5) USE OF AUTHORIZED PESTICIDES- Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.’.</p> <p>SEC. 503. DISCHARGES OF PESTICIDES.</p> <p>Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:</p> <p>‘(s) Discharges of Pesticides-</p> <p>‘(1) NO PERMIT REQUIREMENT- Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.</p> <p>‘(2) EXCEPTIONS- Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:</p> <p>‘(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—</p> <p>‘(i) the discharge would not have occurred but for the violation; or</p> <p>‘(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.</p>	<p>No comparable provision</p>
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**Water Quality Provisions in P.L. 112-74
and Proposed in House Committee Reported H.R. 2584**

EPA Program Activity/Program Description	H.R. 2584 as reported		P.L. 112-74	
	Section	Bill text	Section	Text
		'(B) Stormwater discharges subject to regulation under subsection (p). '(C) The following discharges subject to regulation under this section: '(i) Manufacturing or industrial effluent. '(ii) Treatment works effluent. '(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention."		

Source: Prepared by CRS based on provisions as contained in: P.L. 112-74, the Consolidated Appropriations Act, 2012 and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 4. EPA Hazardous Waste Program Activities

**Hazardous Waste Program Activities: Provisions Proposed in
House Committee-Reported H.R. 2584 (no comparable provisions in P.L. 112-74)**

EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
Fossil fuel combustion waste, subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) (See Sec 4045 Division D of House-passed H.R. 1)	Sec. 434. Title IV COAL COMBUSTION ASH	"None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle."		No comparable provision

Source: Prepared by CRS based on provisions as contained in: P.L. 112-74, the Consolidated Appropriations Act, 2012; and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 5. EPA Superfund Program Provisions

EPA Superfund Program: Provisions Proposed in House Committee-Reported H.R. 2584 (no comparable provisions in P.L. 112-74)				
EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
Superfund cleanup financial responsibility requirements Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b))	Sec. 455. Title IV FINANCIAL ASSURANCE	"None of the funds made available by this Act may be used to develop, propose, finalize, implement, enforce, or administer any regulation that would establish new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b))."		No comparable provision

Source: Prepared by CRS based on provisions as contained in P.L. 112-74, the Consolidated Appropriations Act, 2012; and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 6. EPA Toxic Chemical Regulatory Programs

**Toxic Chemical Regulatory Programs: Provisions Proposed in House Committee-Reported H.R. 2584
(no comparable provisions in P.L. 112-74; Conference Report contained comparative language)**

EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text

Integrated Risk Information System (IRIS) Assessment	Sec. 444. Title IV INTEGRATED RISK INFORMATION SYSTEM (IRIS) [of Formaldehyde]	<p>“ (a) The Administrator of the Environmental Protection Agency (EPA)—</p> <p>(1) shall immediately implement improvements in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde;</p> <p>(2) shall provide a report to the authorizing and appropriating Committees of the House of Representatives and Senate by December 1, 2011 describing how such recommendations have been implemented for—</p> <p>(A) each of the existing assessments currently underway; and</p> <p>(B) any new assessments.</p> <p>(3) shall not use any funds to take any administrative action based on any draft or final assessment that is not based on—</p> <p>(A) improvements implemented in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde; and</p> <p>(B) demonstration of such implementation by documentation of the activities taken to implement the recommendations.</p> <p>(b)(1) Utilizing funds appropriated in this Act, the Administrator shall within 90 days arrange for the National Academy of Sciences to review the EPA report required by section (a)(2). The Academy’s review shall assess the scientific, technical, and process changes being implemented or planned by EPA in the IRIS program and shall recommend modifications or additions to these changes as appropriate to improve substantially the scientific and technical performance of the IRIS program. The Academy shall also identify a representative sample of up to three specific IRIS assessments nearing completion that could be reviewed to evaluate the results of the changes being implemented by the EPA.</p> <p>(2) Utilizing funds appropriated in this Act, the Administrator shall arrange for the National Academy of Sciences to perform a scientific and technical review</p>	<p>No comparable provision however, H.Rept. 112-331 (p.1,072) Title II Division E Science and Technology INTEGRATED RISK INFORMATION SYSTEM (IRIS), contained comparative guidance and recommendations:</p> <p>“In lieu of the directives contained in H.Rept. 112-151 regarding the Integrated Risk Information System, the conferees agree to the following:</p> <p>(1) Fundamental improvements to the policies and practices of this program are necessary to ensure that IRIS assessments reflect the highest standard of scientific inquiry.</p> <p>(2) The Agency shall incorporate, as appropriate, based on chemical-specific datasets and biological effects, the recommendations of Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde into the IRIS process.</p> <p>(3) The Agency shall issue a progress report to House and Senate Committees on Appropriations and relevant Congressional authorizing committees no later than March 1, 2012, describing its implementation of the National Research Council’s Chapter 7 recommendations for ongoing and new assessments.</p> <p>(4) For draft assessments released in fiscal year 2012, the Agency shall include documentation describing how the Chapter 7 recommendations of the National Academy of Sciences (NAS) have been implemented or addressed, including an explanation for why certain recommendations were not incorporated.</p> <p>(5) The Agency shall contract with NAS to conduct up to three reviews of IRIS assessments that EPA seeks to make final. Reviews shall include an evaluation of whether the recommendations it made in previous reviews, including in Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde, have been implemented. Reviews are not intended to unduly delay the Agency’s risk assessment process. The conferees further direct NAS to complete any reviews authorized by this paragraph by no later than 18 months after the date that EPA and the NAS have agreed to the terms of the review. One of these NAS reviews shall be a study of the cancer and non-cancer hazards from oral exposure to inorganic arsenic. The NAS review of inorganic arsenic shall incorporate the direction</p>
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**Toxic Chemical Regulatory Programs: Provisions Proposed in House Committee-Reported H.R. 2584
(no comparable provisions in P.L. 112-74; Conference Report contained comparative language)**

EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
		of up to three IRIS assessments based on the recommendation of the Academy in the review provided for in subsection (b)(1). (c) No funds in this Act shall be available for expenditure by EPA for further action of any kind on any proposed rule, regulation, guidance, goal, or permit, issued after May 21, 2009 that solicited comment on a proposal that, if finalized, would result, based on application of EPA exposure assumptions, in the lowering or further lowering of any exposure level that would be within or below background concentration levels in ambient air, public drinking water sources, soil, or sediment.”		provided in H.Rept. 112-151 regarding parameters of the study. Additional reviews will be chosen by NAS from a representational sample of IRIS assessments and NAS will notify Congress directly of these choices. (6) Further, the conferees strongly believe any current and future IRIS assessments must not only be grounded in sound, objective, and peer-reviewed science and methodologies but should also provide risk managers with realistic values that will result in enhanced protection of human health.
Lead Renovation, Repair, and Painting Rule	Sec. 450. Title IV LEAD TEST KIT	“None of the funds made available by this Act may be used to implement or enforce regulations under subpart E of part 745 of title 40, Code of Federal Regulations (commonly known as the ‘Lead; Renovation, Repair, and Painting Rule’), or any subsequent amendments to such regulations, until the Administrator of the Environmental Protection Agency publicizes Environmental Protection Agency recognition of a commercially-available lead test kit that meets both criteria under section 745.88(c) of title 40, Code of Federal Regulations.”		No comparable provision

Source: Prepared by CRS based on provisions as contained in P.L. 112-74, the Consolidated Appropriations Act, 2012 and language in H.Rept. 112-331, and provisions as contained in H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 7. EPA Pesticide Programs Provisions

Pesticide Programs: Provisions Proposed in House Committee-Reported H.R. 2584 (no comparable provisions in P.L. 112-74)				
EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
Pesticide Label requirements under FIFRA	Sec. 406. Title IV PESTICIDE	"None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to finalize the Proposed Guidance on False or Misleading Pesticide Product Brand Names, as contained in Draft Pesticide Registration Notice 2010-X (Docket ID EPA-HQ-OPP-2010-0282)."		No comparable provision
Pesticide registration under FIFRA and NEPA requirements	Sec. 447. Title IV BIOLOGICAL OPINIONS	"None of the funds made available by this Act may be used to modify, cancel, or suspend the registration of a pesticide registered or reregistered under section 3 or 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a, 136a-1) in response to a final biological opinion or other written statement issued under section 7(b) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b))."		No comparable provision
Pesticide use under section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)), and related permit requirements under the Clean Water Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) (see also Table 3)	Title V REDUCING REGULATORY BURDENS ACT OF 2011	SEC. 501. SHORT TITLE. This title may be cited as the 'Reducing Regulatory Burdens Act of 2011'. SEC. 502. USE OF AUTHORIZED PESTICIDES. Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following: '(5) USE OF AUTHORIZED PESTICIDES- Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.' SEC. 503. DISCHARGES OF PESTICIDES. Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following: '(s) Discharges of Pesticides- '(1) NO PERMIT REQUIREMENT- Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a		No comparable provision

**Pesticide Programs: Provisions Proposed in House Committee-Reported H.R. 2584
(no comparable provisions in P.L. 112-74)**

EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
		pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.		
		‘(2) EXCEPTIONS- Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:		
		‘(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—		
		‘(i) the discharge would not have occurred but for the violation; or		
		‘(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.		
		‘(B) Stormwater discharges subject to regulation under subsection (p).		
		‘(C) The following discharges subject to regulation under this section:		
		‘(i) Manufacturing or industrial effluent.		
		‘(ii) Treatment works effluent.		
		‘(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”		

Source: Prepared by CRS based on provisions as contained in: P.L. 112-74, the Consolidated Appropriations Act, 2012; and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Table 8. Related Provisions Not Under EPA's Jurisdiction

Related Provisions Not Under EPA's Jurisdiction Proposed in House Committee- Reported H.R. 2584 (no comparable provisions in P.L. 112-74)				
EPA Program Activity/Program Description	H.R. 2584 as Reported		P.L. 112-74	
	Section	Bill text	Section	Text
Office of Mining Reclamation and Enforcement, Dept. of the Interior stream buffer zone (Not EPA) (See Sec. 4032 Division D of House-passed H.R. 1)	Sec. 432. Title IV STREAM BUFFERS	"None of the funds made available by this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior."		No comparable provision

Source: Prepared by CRS based on provisions as contained in: P.L. 112-74, the Consolidated Appropriations Act, 2012; and H.R. 2584, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, as reported by the House Committee on Appropriations July 19, 2011.

Appendix. EPA Enacted Appropriations, FY2008-FY2012

Since FY1996, EPA's appropriations have been requested by the Administration and appropriated by Congress within eight statutory appropriations accounts.²⁵ **Table A-1** identifies the amounts for the appropriations enacted by Congress for FY2008 through FY2012 for these accounts. The table identifies transfers of funds between these accounts, and funding levels for several grant program areas within the State and Tribal Assistance Grants (STAG) account that have received more prominent attention during these fiscal years. The enacted amounts presented in **Table A-1** are based on most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA.

**Table A-1. Appropriations for the Environmental Protection Agency:
FY2008-FY2012 Enacted**
(millions of dollars)

	FY2008 P.L. 110- 161	FY2009 Omnibus P.L. 111-8	FY2009 Total Incl. ARRA P.L. 111-5	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 P.L. 112-74
Science and Technology						
—Base Appropriations	\$760.1	\$790.1	\$790.1	\$848.1 ^a	\$813.5	\$795.0
—Transfer in from Superfund	+\$25.7	+\$26.4	+\$26.4	+\$26.8	+\$26.8	+\$23.0
Science and Technology Total	\$785.8	\$816.5	\$816.5	\$874.9	\$840.3	\$818.0
Environmental Programs and Management	\$2,328.0	\$2,392.1	\$2,392.1	\$2,993.8	\$2,756.5	\$2,682.5
Office of Inspector General						
—Base Appropriations	\$41.1	\$44.8	\$64.8	\$44.8	\$44.7	\$42.0
—Transfer in from Superfund	+\$11.5	+\$10.0	+\$10.0	+\$10.0	+\$10.0	+\$10.0
Office of Inspector General Total	\$52.6	\$54.8	\$74.8	\$54.8	\$54.7	\$52.0
Buildings & Facilities	\$34.3	\$35.0	\$35.0	\$37.0	\$36.4	\$36.4
Hazardous Substance Superfund (before transfers)	\$1,254.0	\$1,285.0	\$1,885.0	\$1,306.5	\$1,280.9	\$1,215.8
—Transfer out to Office of Inspector General	-\$11.5	-\$10.0	-\$10.0	-\$10.0	-\$10.0	-\$10.0
—Transfer out to Science and Technology	-\$25.7	-\$26.4	-\$26.4	-\$26.8	-\$26.8	-\$23.0
Hazardous Substance Superfund (after transfers)	\$1,216.8	\$1,248.6	\$1,848.6	\$1,269.7	\$1,244.2	\$1,182.8
Leaking Underground Storage Tank Trust Fund Program	\$105.8	\$112.6	\$312.6	\$113.1	\$112.9	\$104.3
Inland Oil Spill Program (“Oil Spill Response Program” prior to FY2012)	\$17.1	\$17.7	\$17.7	\$18.4	\$18.3	\$18.3

²⁵ Prior to FY1996, Congress appropriated funding for EPA under a different account structure, making it difficult to equitably compare past funding levels by account over the history of the agency.

	FY2008 P.L. 110- 161	FY2009 Omnibus P.L. 111-8	FY2009 Total Incl. ARRA P.L. 111-5	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 P.L. 112-74
State and Tribal Assistance Grants (STAG)						
—Clean Water State Revolving Fund	\$689.1	\$689.1	\$4,689.1	\$2,100.0	\$1,522.0	\$1,468.8
—Drinking Water State Revolving Fund	\$829.0	\$829.0	\$2,829.0	\$1,387.0	\$963.1	\$919.4
—Special (Congressional) Project Grants	\$132.9	\$145.0	\$145.0	\$156.8	\$0.0	\$0.0
—Categorical Grants	\$1,078.3	\$1,094.9	\$1,094.9	\$1,116.4	\$1,104.2	\$1,090.6
—Brownfields Section 104(k) Grants	\$93.5	\$97.0	\$197.0	\$100.0	\$99.8	\$95.0
—Diesel Emission Reduction Grants	\$49.2	\$60.0	\$360.0	\$60.0	\$49.9	\$30.0
—Other State and Tribal Assistance Grants	\$54.2	\$53.5	\$53.5	\$50.0	\$20.0	\$15.0
State and Tribal Assistance Grants Total	\$2,926.2	\$2,968.5	\$9,368.5	\$4,970.2	\$3,758.9	\$3,618.7
Rescissions (various EPA accounts) ^b	-\$5.0	-\$10.0	-\$10.0	-\$40.0	-\$140.0	-\$50.0
Total EPA Accounts	\$7,461.5	\$7,635.7	\$14,855.7	\$10,291.9^a	\$8,682.1	\$8,463.0^c

Source: Prepared by CRS using the most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA and Administration budget documents, including the President's annual budget requests as presented by OMB, and EPA's accompanying annual congressional budget justifications. "ARRA" refers to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The ARRA amounts do not reflect the rescission of unobligated balances as per P.L. 111-226. Numbers may not add due to rounding.

- The amounts presented for the FY2010 base appropriations for the S&T account and the EPA total include \$2.0 million in supplemental appropriations for research of the potential long-term human health and environmental risks and impacts from the releases of crude oil, and the application of chemical dispersants and other mitigation measures under the Supplemental Appropriations Act, 2010 (P.L. 111-212, Title II).
- The rescissions are from unobligated balances from funds appropriated in prior years, and made available for expenditure in a later year. In effect, these "rescissions" increase the availability of funds for expenditure by the agency in the years in which they are applied, functioning as an offset to new appropriations by Congress.
- FY2012 enacted amounts are as presented in P.L. 112-74 and the conference report (H.Rept. 112-331), which do not reflect a 0.16% across-the-board rescission required in Section 436 of P.L. 112-74. EPA is directed to apply this rescission to the amounts specified in the law.

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